

### REMARKS

Applicant hereby elects the device with Claims 1, 3-5, 9 and 18-28 and 30 being directed thereto.

Applicant respectfully traverses the requirement in view of the close relationship between the process and apparatus. It is Applicant's position that the process cannot be achieved by use of a sample collector that does not have the indicator zone that indicates the predetermined volume as this is a feature of the process. Claim 10 includes this feature and the device system claims also highlight this combination aspect. Claim 4 has been further clarified and claim 30, depending on claim 9 has been added. It is Applicant's position that restriction is not proper. Accordingly, reconsideration is requested.

Respectfully submitted  
for Applicant,



By: \_\_\_\_\_

John James McGlew  
Registration No. 31,903  
McGLEW AND TUTTLE, P.C.

JJM:pl/tf  
71072-6

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BOX 9227 SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.